

## ATTACHMENT A

A. Docket 7310 SN 09/037,801 filed 03/10/98

1. Claims of which were first rejected under § 103(a) on 11/24/99 on Hockaday 5,759,712 in view of Hockaday 5,631,099
2. Claims of which were rejected a second time under § 103(a) on 05/17/00 on Arledge 5,437,941. Made final without applicants receiving an opportunity to address Arledge.
3. CPA filed, claims of which were rejected for the third time under § 103(a) on 02/20/01 again on Arledge.
4. Some claims required a tiny micro battery area, e.g., footprint substantially less than 20 cm<sup>2</sup> and an area congruent for size integration with a MEMS microcircuit.

B. Docket 7310.C SN 09/930,539 filed 08/14/01

1. Thrice rejected claims from parent SN 09/037,801 were placed in this continuing application
2. Some claims required a tiny micro battery area, e.g., footprint substantially less than 20 cm<sup>2</sup> and an area congruent with size integration with a MEMS microcircuit.
3. Petition to Make Special granted
4. The claims of which, after three years of pendency, were rejected a fourth time on 08/05/04 on Bates 5,455,126 under §102(b) and on Bates and Mickka under § 103(a).
5. Notice of Appeal mailed 11/19/04. Appeal Brief and Appendix mailed 12/02/04.

## C. Docket 7310.D1 SN 09/627,959 filed 07/28/00

1. The claims of which were moved forward from SN 09/037,801 to this continuing application and a fifth rejection was made on 05/23/02 under § 103(b) on Bates 5,455,126.
2. All claims except one were rejected a second time on Bates.
3. The one claim became U.S. 6,610,440 and reads:
  1. A microfabricated battery comprising a pair of microscopic electrodes, a microscopic amount of electrolyte disposed in a microscopic site between the electrodes, the microfabricated battery comprising *an area as small as one square micron*.
4. The matter of claiming a tiny area, in this case as small as one square micron, has been in front of Examiner Alejandro continuously since 1998.

## D. Docket 7310.D2 SN 10/317,539 filed 12/10/02

1. Claims moved forward from grandparent SN 09/037,081 to parent SN 09/627,959 to this continuing application.
2. Claims rejected for the sixth time on 08/05/04 under § 102(b) on Bates, some claims being limited to both a MEMS-sized microcircuit and a tiny micro-battery barring an area less than the area of the MEMS.

## E. Docket 7310.D1C SN 10/350,474 Filed 01/24/03

1. Claims moved forward from grandparent SN 09/037,801 to parent SN 09/627,959 to this continuing application.
2. The claims, rejected multiple times in prior cases, were appealed, the Notice of

Appeal being on 04/28/03. The Appeal Brief and Appendix were mailed

06/13/03.

3. The Examiner failed to deal with the Appeal, ignored it and issued a restriction about a year later, on 06/04/04.
4. While the initial appeal was pending and without an Examiner's Answer on any other formal communication, the elected claims were rejected under §102(b) and §103(a) on Bates 5,455,126, as were the claims of parent SN 09/627,959, in an Office Action mailed 08/05/04.
5. Thereafter, a second Notice of Appeal was filed 12/06/04 and the Appeal Brief and Appendix were mailed 12/10/04.

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